

### **REMARKS**

The assignee has carefully considered the Examiner's remarks and the prior art cited by the Examiner in conjunction with the current Office communication. The drawing objections and claim objections and rejections, as set forth by the Examiner in the current Office communication, are herein addressed.

Claims 44 and 64-110 are currently pending in this application. Claims 1-43 and 45-63 have been canceled from the application and new claims 64-103 have been added to the application. New claims 64-110 do not contain any new matter.

In the current Office communication, claims 23 and 59-63 are objected to and claims 1-22 and 24-58 have been rejected by the Examiner. The Examiner has indicated that: (i) claims 23 and 59-63 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims; and (ii) claim 24 would be allowable if rewritten to overcome a 35 U.S.C. § 112 rejection and to include all of the limitations of the base claim and any intervening claims.

As discussed in detail below, the assignee has: (i) responded to the Examiner's objection to FIG. 1; (ii) responded to the Examiner's 35 U.S.C. § 112 rejection of claims 1, 24 and 47; (iii) rewritten canceled claims 23, 24 and 59-63 as new claims 64, 65 and 90-92, 95-96, respectively, such that they include all of the limitations of the base claim and any intervening claims. Reconsideration of claims 44 and 64-110 is requested in view of the following remarks.

#### **I. Drawing Objection**

The Examiner has objected to FIG. 1 because reference character 102 improperly refers to "SERVICE FOR SERVICE PROVIDER" instead of "SERVER FOR SERVICE PROVIDER." The assignee has amended claim 1 to revise reference character 102 in

accordance with the Examiner's request. Assignee submits that this amendment is supported in the original disclosure and no new matter has been added through this amendment.

### **III. Allowable Subject Matter**

The Examiner has informed that: (i) claim 24 would be allowable if rewritten to overcome the rejections under 35 U.S.C. 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims; and (ii) claims 23 and 59-63 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The assignee has addressed the examiner's objections to claim 24 under 35 U.S.C. 112 above. Further, claims 23-24 and 59-63 have been rewritten in independent form as new claims 64, 65, 95, 98-99, 102-103, respectively, including all limitations of the base claims and any intervening claims. The assignee submits that these new claims contain allowable subject matter as set forth by the Examiner in the current Office communication. The assignee respectfully submit that no new matter has been added through the addition of these claims.

### **IV. New Claims**

New claims 64-110 have been added to this application. As follows:

- The examiner indicated that canceled claims 23, 24 and 59-63 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The assignee has written canceled claims 23 and 59 in independent form as new claims 64 and 95. The assignee submits that new claims 64 and 95 are therefore allowable.
- New dependent claims 65-94 and 96-110 contain subject matter from canceled claims 1-43 and 45-49. Since new claims 65-94 are dependent upon allowable independent claim 64, the assignee submits that new claims 65-94 are also allowable. Similarly, new dependent claims 96-110 contain subject matter from canceled claims 50-63. Since new claims 96-110 are dependent upon allowable independent claim 95, the assignee submits that new claims 96-110 are likewise allowable.

**V. Claim Rejections:**

**A. 35 U.S.C. § 112**

The Examiner has rejected claims 1, 24 and 47 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner states that:

- Claim 1 recites the limitation "the controller" in line 10. There is insufficient antecedent basis for this limitation in the claim.
- Claim 24 recites the limitation "the vending machine" in the first line of the claim. There is insufficient antecedent basis for this limitation in the claim. The Examiner interprets Claim 24 to depend on Claim 23.
- Claim 47 recites the limitation "the processor" in the last line on page 50. There is insufficient antecedent basis for this limitation in the claim.

In response, the assignee has canceled claims 1, 24 and 47, and therefore submits that the examiner's rejections are moot.

**B. 35 U.S.C. § 102**

**1. U.S. Patent No. 5,475,378 to Kaarsoo et al.**

The Examiner has rejected claims 1-3, 10, 12-14, 17-20, 25-28 and 31 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,475,378 to Kaarsoo et al., entitled Electronic Access Control Mail Box System (the "Kaarsoo reference"). The assignee has canceled claims 1-3, 10, 13-14, 17-20, 25-28 and 31 from the application and therefore submits that this rejection is moot. While subject matter from these canceled claims may be found in the new dependent claims, the assignee submits that these dependent claims are based on an allowable independent claim and therefore should be allowed by the Examiner.

**2. U.S. Patent No. 6,300,873 to Kucharczyk et al.**

The Examiner has rejected claims 1, 3-6, 10-14, 16-18, 27-29 and 31 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,300,873 to Kucharczyk et al., entitled

Locking Mechanism for Use with One-Time Access Code (the "Kucharczyk reference"). As assignee has canceled claims 1, 3-6, 10-14, 16-18, 27-29 and 31, the assignee respectfully submits that the examiner's rejection is moot. While subject matter from these canceled claims may be found in the new dependent claims, the assignee submits that these dependent claims are based on an allowable independent claim and therefore should be allowed by the examiner.

**3. U.S. Patent No. 6,404,337 to Van Till et al.**

The Examiner has rejected claims 1, 3-13, 17-19 and 27-32 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,404,337 to Van Till et al., entitled System and Method for Providing Access to an Unattended Storage (the "Van Till reference"). As assignee has canceled claims 1, 3-13, 17-19 and 27-32, the assignee respectfully submits that the examiner's rejection is moot. While subject matter from these canceled claims may be found in the new dependent claims, the assignee submits that these dependent claims are based on an allowable independent claim and therefore should be allowed by the examiner.

**4. U.S. Patent No. 6,344,796 to Ogilvie et al.**

The Examiner has rejected claims 34, 36, 37, 50, 52-54 and 57 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,344,796 to Ogilvie et al., entitled Unattended Package Delivery Cross-Docking Apparatus and Method (the "Ogilvie reference"). As assignee has canceled claims 34, 36, 37, 50, 52-54 and 57, the assignee respectfully submits that the examiner's rejection is moot. While subject matter from these canceled claims may be found in the new dependent claims, the assignee submits that these dependent claims are based on an allowable independent claim and therefore should be allowed by the examiner.

**C. 35 U.S.C. § 103**

**1. The Kaarsoo reference as applied to claims 1 and 13 above, and further in view of U.S. Patent No. 4,894,717 to Komei.**

The Examiner has rejected claims 7-9 and 21 under 35 U.S.C. § 103(a) as being unpatentable over the Kaarsoo reference in view of U.S. Patent No. 4,894,717 to Komei, entitled Delivered Article Storage Control System (the "Komei reference."). As assignee has canceled claims 7-9 and 21, the assignee respectfully submits that the examiner's rejection is moot. While subject matter from these canceled claims may be found in the new dependent claims, the assignee submits that these dependent claims are based on an allowable independent claim and therefore should be allowed by the examiner.

**2. The Kucharczyk reference.**

The Examiner has rejected claim 15 under 35 U.S.C. § 103(a) as being unpatentable over the Kucharczyk reference. As assignee has canceled claim 15, the assignee respectfully submits that the examiner's rejection is moot. While subject matter from this canceled claim may be found in new dependent claim 77, the assignee submits that this dependent claim is based on an allowable independent claim and therefore should be allowed by the examiner.

**3. The Kaarsoo reference as applied to claims 1 and 13 above, and further in view of U.S. Patent No. 5,223,829 to Watabe.**

The Examiner has rejected claims 21 and 22 under 35 U.S.C. § 103(a) as being unpatentable over the Kaarsoo reference in view of U.S. Patent No. 5,223,829 to Watabe, entitled Electric Locker Apparatus with Automatic Locker Box Designation Device (the "Watabe reference."). As assignee has canceled claims 21 and 22, the assignee respectfully submits that the examiner's rejection is moot. While subject matter from these canceled claims may be found

in the new dependent claims, the assignee submits that these dependent claims are based on an allowable independent claim and therefore should be allowed by the examiner.

**4. The Ogilvie reference as applied to claims 34 and 50 above, and further in view of the Van Till reference.**

The Examiner has rejected claims 35 and 56 under 35 U.S.C. § 103(a) as being unpatentable over the Ogilvie reference as applied to claims 34 and 50 above, and further in view of the Van Till reference. As assignee has canceled claims 35 and 56, the assignee respectfully submits that the examiner's rejection is moot. While subject matter from these canceled claims may be found in the new dependent claims, the assignee submits that these dependent claims are based on an allowable independent claim and therefore should be allowed by the examiner.

**5. The Ogilvie reference.**

The Examiner has rejected claim 38 under 35 U.S.C. § 103(a) as being unpatentable over the Ogilvie reference. As assignee has canceled claim 38, the assignee respectfully submits that the examiner's rejection is moot. While subject matter from this canceled claim may be found in new dependent claim 91, the assignee submits that this dependent claim is based on an allowable independent claim and therefore should be allowed by the examiner.

**6. The Kaarsoo reference in view of the Watabe reference.**

The Examiner has rejected claims 39, 43, 44 and 47-49 under 35 U.S.C. § 103(a) as being unpatentable over the Kaarsoo reference in view of the Watabe reference. The assignee respectfully traverses the Examiner's rejection.

The assignee has canceled claims 39, 43 and 47-49, and therefore, the assignee respectfully submits that the examiner's rejection is moot as to these claims. Subject matter from

these canceled claims may be found in the new dependent claims, and the assignee submits that these dependent claims are based on an allowable independent claim and therefore should be allowed by the examiner.

Regarding claim 44, the assignee has amended claim 44 so that it is written to remove any reference to an automated teller machine. Further, amended claim 44 has been rewritten in independent form, containing all of the limitations of the base claims and any intervening claims. The assignee respectfully traverses the examiner's rejection of claim 44. Specifically, the examiner rejected claim 44 based on the Kaarsoo reference in view of the Watabe reference, stating that:

"Regarding claims 44 and 49, Kaarsoo's local control unit 14 is in communication with each compartment 18 and with central control unit 22's workstation 24 for controlling access to the interior of each compartment 18 based upon commands received from workstation 24 (see Col. 3, lines 1-5, 13-16 and 45-64; and Col. 7, lines 12-17). Kaarsoo fails to disclose that the local control unit 14 and card reader 16, which form a controller, are incorporated in a kiosk that includes an ATM.

Watabe's locker apparatus comprises, as shown in Fig. 1, further includes a console box 3 or kiosk that functions as a user interface (see Col. 4, lines 22-30 and 55-68; and Col. 5, lines 1-2). Watabe's console box 3 includes keypad 15, display 17, coin inlet 20 and outlet 21 in addition to a card slot 19 for a card reader. Per Watabe, coin inlet 20 and outlet 21 are used for inserting and returning coins when a prescribed fee is to be charged for using apparatus 1. Though Watabe is silent on console box 3 having an automated teller machine (ATM), the Examiner takes Official Notice that kiosks having money transfer means, such as an ATM, are well known. Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Watabe's console box 3 such that it also includes an ATM, thereby improving apparatus 1's convenience by offering users an alternate payment means.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Kaarsoo's controller, which is formed by local control unit 14 and card reader 16, as taught by Watabe because a kiosk having coin inlet 20 and outlet 21, an AMT in addition to a card reader, a keypad, and a display improves the system's convenience by providing the user with different methods for rendering payment."

The assignee respectfully submits that, neither the Kaarsoo nor the Watabe references teach or suggest all of the claim limitations of amended claim 44 of the claimed invention and, therefore, cannot be used as an invalidating reference under 35 U.S.C. § 103.

Specifically, the Kaarsoo and Watabe references do not disclose a vending machine used with an apparatus for controlling access to a locker for storing goods. Further, it would not have been an obvious design change to include a vending machine with Kaarsoo's local control unit and Watabe's locker. As such, the assignee submits that claim 44 is allowable.

**7. The Kaarsoo reference and the Watabe reference as applied to claim 39, and further in view of U.S. Patent No. 6,204,763 to Sone.**

The Examiner has rejected claims 40 and 41 under 35 U.S.C. § 103(a) as being unpatentable over the Kaarsoo reference and Watabe reference as applied to claim 39 above, and further in view of U.S. Patent No. 6,204,763, to Sone, entitled Household Consumable Item Automatic Replenishment System Including Intelligent Refrigerator (the "Sone reference"). As assignee has canceled claims 40 and 41, the assignee respectfully submits that the examiner's rejection is moot. While subject matter from this canceled claim may be found in the new dependent claims, the assignee submits that these dependent claims are based on an allowable independent claim and therefore should be allowed by the examiner.

**8. The Kaarsoo reference and the Watabe reference as applied to claim 39, and further in view of the Van Till reference.**

The Examiner has rejected claim 42 under 35 U.S.C. § 103(a) as being unpatentable over the Kaarsoo reference and Watabe reference as applied to claim 39 above, and further in view of the Van Till reference. As assignee has canceled claim 42, the assignee respectfully submits that the examiner's rejection is moot. While subject matter from this canceled claim may be found in new dependent claim 87, the assignee submits that this dependent claim is based on an allowable independent claim and therefore should be allowed by the examiner.



**9. The Kaarsoo reference and the Watabe reference as applied to claim 39, and further in view of the Kucharczyk reference.**

The Examiner has rejected claims 45 and 46 under 35 U.S.C. § 103(a) as being unpatentable over the Kaarsoo reference and Watabe reference as applied to claim 39 above, and further in view of the Kucharczyk reference. As assignee has canceled claims 45 and 46, the assignee respectfully submits that the examiner's rejection is moot. While subject matter from these canceled claims may be found in the new dependent claims, the assignee submits that these dependent claims are based on an allowable independent claim and therefore should be allowed by the examiner.

**10. The Ogilvie reference as applied to claims 50 and 54 above, and further in view of the Kucharczyk reference.**

The Examiner has rejected claims 51, 52 and 55 under 35 U.S.C. § 103(a) as being unpatentable over the Ogilvie reference as applied to claims 50 and 54 above, and further in view of the Kucharczyk reference. As assignee has canceled claims 51, 52 and 55, the assignee respectfully submits that the examiner's rejection is moot. While subject matter from these canceled claims may be found in the new dependent claims, the assignee submits that these dependent claims are based on an allowable independent claim and therefore should be allowed by the examiner.

**11. U.S. Patent No. 6,085,170 to Tsukuda**

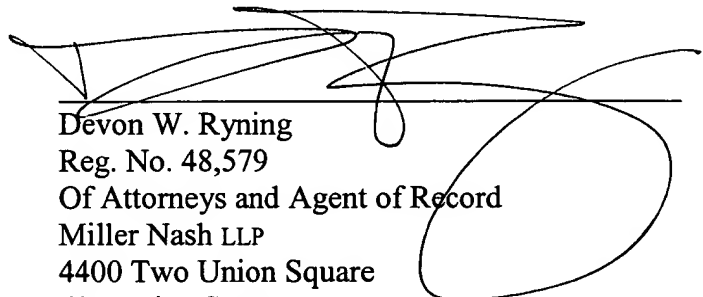
The Examiner has rejected claim 58 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,085,170 to Tsukuda, entitled Delivery Managing System (the "Tsukuda reference"). As assignee has canceled claim 58, the assignee respectfully submits that the examiner's rejection is moot.

**CONCLUSION**

Reconsideration of the claims is respectfully requested in view of the above amendments and remarks and an early notice of allowance is accordingly solicited.

Please charge Deposit Account No. 13-3571 for any additional fees which may be required.

Respectfully submitted,



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